APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,749	08/23/2000	Alain Penders	466592000100	2770

25227   7590   03/26/2003

MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 300
MCLEAN, VA 22102

EXAMINER
PARTON, KEVIN S

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/643,749	PENDERS, ALAIN
	Examiner	Art Unit
	Kevin Parton	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>23 August 2000</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *2, 4* .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Drawings

1.   The drawings are objected to because figures 1, 3, and 6 use no reference numbers. All

figures should be described in the specification using reference numbers. A proposed drawing

correction or corrected drawings are required in reply to the Office action to avoid abandonment

of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-9 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Coco et al.

(USPN 6,331,864).

4.   Regarding claim 1, Coco et al. (USPN 6,331,864) teach a system for an end user of a

service to create the service for a device using a platform owned by a platform owner with means

for:

> a. Receiving from the end-user linking information indicating a second
>
>   predefined building block to link to a first pre-defined building block (figure
>
>   3; figure 2; column 3, lines 55-61).
>
> b. Creating the service by linking and configuring the first and second
>
>   predefined building blocks (figure 2; figure 3; column 4, lines 10-15)

            c. Executing the service on the platform immediately, without testing the service

              (figure 5).

5.   Regarding claim 2, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 1. They further teach means for receiving from the end user configuration information to configure the first pre-defined building block (figure 2; figure 3). Note that in the reference, configuration of the leads is required on all building blocks.

6.   Regarding claim 3, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 1. They further teach means for creating the service based on the received configuration and linking information (figure 2; figure 3; column 3, lines 55-61).

7.   Regarding claim 4, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 3. They further teach means for determining an integrity of the created service (figure 2, reference number 111).

8.   Regarding claim 5, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 1. They further teach means for receiving from the end-user an indication of information to modify the service (figure 3; figure 2; column 3, lines 55-61).

9.   Regarding claim 6, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 1. They further teach means for receiving from an end user an indication of information to delete the service (figure 3; figure 2; column 3, lines 55-61). Note that in the reference, different blocks and links could be deleted.

10.   Regarding claim 7, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 1. They further teach means for receiving from the end-user an indication of information to activate the service (figure 3; figure 2; column 3, lines 55-61).

11.   Regarding claim 8, Coco et al. (USPN 6,331,864) teach all the limitations as applied to

claim 1. They further teach means for assigning a value to a variable of the first or second

building block (figure 2, figure 3). Note that in the reference, the ranges can be altered on all

building blocks.

12.   Regarding claim 9, Coco et al. (USPN 6,331,864) teach all the limitations as applied to

claim 1. They further teach means for executing the service (figure 5).

13.   Regarding claim 32, Coco et al. (USPN 6,331,864) teach a system for an end user of a

device using a platform owned by a platform owner to create a service for the device,

comprising:

    a. A first unit to receive from the end-user an indication of configuration

        information to configure a first pre-defined building block (figure 2; figure 3;

        column 3, lines 55-61).

    b. A second unit to receive from the end-user an indication of linking

        information indicating a second building block to link to the first pre-defined

        building block (figure 2; figure 3; column 3, lines 55-61).

    c. A third unit to create the service based on the information received from the

        first and second units, wherein the service may be executed prior to being

        tested (figure 2; figure 3; figure 5; column 4, lines 10-15)

Claim Rejections - 35 USC § 103

14.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15.   Claims 10-31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Coco et al. (USPN 6,331,864) in view of Dye et al. (USPN 6,102,965).

16.   Regarding claim 10, Coco et al. (USPN 6,331,864) teach a system for an end user of a

device using a platform to create the service comprising:

   a. A platform having a service creation interface to allow the end-user to create

       the service by linking a first pre-defined building block to a second pre-

       defined building block, the service being executed without requiring any

       testing (figure 3; figure 2; figure 5; column 3, lines 55-61).

   b. An interface for interacting with the service creation interface (figure 3).

Although the system disclosed by Coco et al. (USPN 6,331,864) shows substantial

features of the claimed invention, it fails to disclose specifically means wherein the end user uses

a client machine and the service interface is on a server.

Nonetheless, these features are well known in the art and would have been an obvious

modification of the system disclosed by Coco et al. (USPN 6,331,864), as evidenced by Dye et

al. (USPN 6,102,965).

In an analogous art, Dye et al. (USPN 6,102,965) discloses a system for the creation of

services by an end-user wherein the service is created on a server for use on the client (figure 3;

column 4, lines 45-50).

Given the teaching of Dye et al. (USPN 6,102,965), a person having ordinary skill in the

art would have readily recognized the desirability and advantages of modifying Coco et al.

(USPN 6,331,864) by employing the use of a distributed development system. This benefits the

system because end-users can make use of the one instantiation of a service on the server without

recreating it on each end user machine.

17.   Regarding claim 11, although the system disclosed by Coco et al. (USPN 6,331,864) (as

applied to claim 10) shows substantial features of the claimed invention, it fails to disclose

means wherein the client interacts with the platform via a proxy server protocol.

Nonetheless, these features are well known in the art and would have been an obvious

modification of the system disclosed by Coco et al. (USPN 6,331,864), as evidenced by Dye et

al. (USPN 6,102,965).

In an analogous art, Dye et al. (USPN 6,102,965) discloses a system for the creation of

services by an end-user using a client wherein the client interacts with the platform via a proxy

server protocol (column 10, lines 47-48).

Given the teaching of Dye et al. (USPN 6,102,965), a person having ordinary skill in the

art would have readily recognized the desirability and advantages of modifying Coco et al.

(USPN 6,331,864) by employing the use of a proxy server protocol for communication. This

allows for clients to interact with the server via a known protocol standard. This benefits the

system by decreasing the amount of work required to integrate a new client.

18.   Regarding claim 12, Coco et al. (USPN 6,331,864) teach all the limitations as applied to

claim 10. They further teach a directory device which stores the first and second pre-defined

building blocks (figure 2; figure 3). Note that in the reference, the user selects from previously

created blocks. This means that they are stored in some directory system.

19.   Regarding claim 13, Coco et al. (USPN 6,331,864) teach all the limitations as applied to

claim 10. They further teach a directory device which stores the service (column 3, lines 55-61).

Note that in the reference, the service is created and used, requiring being saved in a directory structure.

20.   Regarding claim 14, although the system disclosed by Coco et al. (USPN 6,331,864) (as applied to claim 10) shows substantial features of the claimed invention, it fails to disclose means wherein the service creation interface prevent unauthorized users from accessing the service system.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Coco et al. (USPN 6,331,864).

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Coco et al. (USPN 6,331,864) by employing the protection of the service creation from unauthorized users. Computer security on client server networks is well known and applied to a large majority of networks. This benefits the system by ensuring that the building blocks of the system will not be accessed and computing power utilized by people not authorized to use the system.

21.   Regarding claim 15, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 10. They further teach means wherein the device includes an Internet appliance (column 3, lines 36-40).

22.   Regarding claim 16, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 10. They further teach means wherein the client interface includes a dedicated client application (column 3, lines 12-14).

23.   Regarding claim 17, Coco et al. (USPN 6,331,864) teach all the limitations as applied to

claim 10. They further teach means wherein the first or second building block includes a

variable to which an end-user assigns a value (figure 3; figure 2; column 3, lines 55-61).

24.   Regarding claim 18, Coco et al. (USPN 6,331,864) teach all the limitations as applied to

claim 10. They further teach means wherein the first and second building block includes a

building block configuration interface which guides the end-user through a process for

configuring the building block (figure 3).

25.   Regarding claim 19, although the system disclosed by Coco et al. (USPN 6,331,864) (as

applied to claim 10) shows substantial features of the claimed invention, it fails to disclose

means wherein the client interface includes a web browser.

Nonetheless, these features are well known in the art and would have been an obvious

modification of the system disclosed by Coco et al. (USPN 6,331,864).

A person having ordinary skill in the art would have readily recognized the desirability

and advantages of modifying Coco et al. (USPN 6,331,864) by employing the use of a web

browser for the computer interface. This is a widely implemented technique for giving a wide

range of users access to a server. This benefits the system by allowing clients running different

operating systems to access the same service.

26.   Regarding claim 20, although the system disclosed by Coco et al. (USPN 6,331,864) (as

applied to claim 10) shows substantial features of the claimed invention, it fails to disclose

means wherein the client interface includes a web browser having an intelligent skin.

Nonetheless, these features are well known in the art and would have been an obvious

modification of the system disclosed by Coco et al. (USPN 6,331,864).

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Coco et al. (USPN 6,331,864) by employing the use of a web browser for the computer interface. This is a widely implemented technique for giving a wide range of users access to a server. This benefits the system by allowing clients running different operating systems to access the same service. An intelligent skin can be any visual interface.

27.   Regarding claim 21, Coco et al. (USPN 6,331,864) teaches all the limitations as applied to claim 10. They further teach means wherein the device includes a mobile device (column 3, lines 36-37). Note that in the reference, any device can be used. This would include a mobile device.

28.   Regarding claim 22, although the system disclosed by Coco et al. (USPN 6,331,864) (as applied to claim 10) shows substantial features of the claimed invention, it fails to disclose means wherein the created service is delivered to the device via a wireless protocol.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Coco et al. (USPN 6,331,864).

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Coco et al. (USPN 6,331,864) by employing the inclusion of a wireless protocol. This benefits the system by extended the number of client types to which services can be offered.

29.   Regarding claim 23, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 10. They further teach means wherein the platform further includes rules for checking an integrity of the created service (figure 2, reference number 111).

30.   Regarding claim 24, Coco et al. (USPN 6,331,864) teach all the limitations as applied to

claim 10. They further teach means wherein the platform allows the user to configure the first or

second building block (figure 2; figure 3).

31.   Regarding claim 25, Coco et al. (USPN 6,331,864) teach a system for an end-user of a

service to create the service for a device using a platform, comprising:

      a. Sending linking information indicating a second building block to link to a

          first pre-defined building block (figure 3; figure 2; column 3, lines 55-61;

          column 4, lines 10-15).

      b. Creating the service based on the linking information (column 3, lines 55-61;

          column 4, lines 10-15).

      c. Executing the service on the platform without testing it (figure 5).

Although the system disclosed by Coco et al. (USPN 6,331,864) shows substantial

features of the claimed invention, it fails to disclose means wherein the linking information is

sent to a server.

Nonetheless, these features are well known in the art and would have been an obvious

modification of the system disclosed by Coco et al. (USPN 6,331,864), as evidenced by Dye et

al. (USPN 6,102,965).

In an analogous art, Dye et al. (USPN 6,102,965) discloses a system for the creation of

services by an end-user wherein the service is created on a server for use on the client (figure 3;

column 4, lines 45-50).

Given the teaching of Dye et al. (USPN 6,102,965), a person having ordinary skill in the

art would have readily recognized the desirability and advantages of modifying Coco et al.

(USPN 6,331,864) by employing the use of a distributed development system. This benefits the system because end-users can make use of the one instantiation of a service on the server without recreating it on each end user machine.

32.   Regarding claim 26, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 25. They further teach means for sending an indication of configuration information to configure the first pre-defined building block (figure 3; figure 2; column 3, lines 55-61; column 4, lines 10-15).

33.   Regarding claim 27, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 25. They further teach means for creating the service according to the configuration information and the linking information (figure 2; figure 3; column 3, lines 55-61; column 4, lines 10-15).

34.   Regarding claim 28, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 25. They further teach means wherein sending the indication of configuration information includes accessing a configuration interface included in the first pre-defined building block (figure 3).

35.   Regarding claim 29, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 25. They further teach means for receiving from the end-user an indication of information to delete the service (figure 3; figure 2; column 3, lines 55-61). Note that in the reference, different blocks and links could be deleted.

36.   Regarding claim 30, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 25. They further teach means for receiving from an end user an indication of information to modify the service (figure 3; figure 2; column 3, lines 55-61).

37.   Regarding claim 7, Coco et al. (USPN 6,331,864) teach all the limitations as applied to

claim 1. They further teach means for receiving from the end-user an indication of information

to activate the service (figure 3; figure 2; column 3, lines 55-61).

38.   Regarding claim 33, Coco et al. (USPN 6,331,864) teach a system for an end-user of a

device using a platform owned by a platform owner to create a service for the device,

comprising:

       a. A first unit to send from the end-user configuration information to configure a

           first pre-defined building block (figure 3; figure 2; column 3, lines 55-61;

           column 4, lines 10-15).

       b. A second unit to send from the end-user linking information indicating a

           second building block to link to the first pre-defined building block (figure 3;

           figure 2; column 3, lines 55-61; column 4, lines 10-15).

       c. A third unit to create the service based on the configuration and linking

           information (column 3, lines 55-61; column 4, lines 10-15).

Although the system disclosed by Coco et al. (USPN 6,331,864) shows substantial

features of the claimed invention, it fails to disclose means wherein the linking information is

sent to a server.

Nonetheless, these features are well known in the art and would have been an obvious

modification of the system disclosed by Coco et al. (USPN 6,331,864), as evidenced by Dye et

al. (USPN 6,102,965).

In an analogous art, Dye et al. (USPN 6,102,965) discloses a system for the creation of services by an end-user wherein the service is created on a server for use on the client (figure 3; column 4, lines 45-50).

Given the teaching of Dye et al. (USPN 6,102,965), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Coco et al. (USPN 6,331,864) by employing the use of a distributed development system. This benefits the system because end-users can make use of the one instantiation of a service on the server without recreating it on each end user machine.

Conclusion

39.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Halstead et al (USPN 6,230,318) teach a system for creation of programs graphically using pre-defined components.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-9242 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Kevin Parton
Examiner
Art Unit 2153

ksp
March 19, 2003

GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100